

Regular Session, 2010

SENATE BILL NO. 247

BY SENATOR ALARIO

SPECIAL DISTRICTS. Creates and provides for the Esprit at Stonebridge Neighborhood Improvement District. (7/1/10)

AN ACT

To enact R.S. 33:9080.4, a bill relative to Jefferson Parish; to create the Esprit at Stonebridge Neighborhood Improvement District; to provide for district boundaries, purpose, governance, and funding, including the levy of a parcel fee; to provide relative to the powers and duties of the district and its governing board; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9080.4 is hereby enacted to read as follows:

§9080.4. Esprit at Stonebridge Neighborhood Improvement District

A. Creation. There is hereby created within the parish of Jefferson, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Esprit at Stonebridge Neighborhood Improvement District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The district shall be comprised of the area of Jefferson

1 Parish located between the golf course and Lake Lynn Dr. on the north,
2 excluding Square A 1-B-1 and Square A 2-A1 as shown on said plan, which said
3 plan of subdivision is registered in Clerk of Court, Jefferson Parish Instrument
4 9430198 and 10022867, Manhattan Blvd. on the west, the golf course and Bayou
5 Barataria on the south, and the Trapp Canal on the east.

6 C. Purpose. The district is established for the purpose of promoting and
7 encouraging security in the area included within the district and promoting and
8 encouraging the beautification and overall betterment of the district.

9 D. Governance. (1) In accordance with Article VI, Section 6 of the
10 Constitution of Louisiana and the Jefferson Parish Charter, the Jefferson
11 Parish Council shall be the governing authority of the district.

12 (2)The district shall have a six-member advisory board to advise and
13 make recommendations to the governing authority. The advisory board shall
14 be appointed by the governing authority from nominations by the board of
15 directors of the Esprit at Stonebridge Homeowners' Association. These
16 appointed advisory board members shall not be members of the Esprit at
17 Stonebridge Homeowners' Association board of directors.

18 E. Powers and Duties. The district, acting through its governing
19 authority, shall have the following powers and duties:

20 (1) To sue and be sued.

21 (2) To adopt, use, and alter at will a corporate seal.

22 (3)To receive and expend funds collected pursuant to Subsection F of this
23 Section and in accordance with a budget adopted as provided by Subsection H
24 of this Section.

25 (4) To enter into contracts with individuals or entities, private or public.

26 (5) To provide or enhance security patrols in the district, to provide for
27 improved lighting, signage, or matters relating to the security of the district, to
28 provide for the beautification of and improvements for the district, or to
29 provide generally for the overall betterment of the district.

1 (6) To enter into contracts and agreements with one or more other
2 districts for the joint security, improvement, or betterment of all participating
3 districts.

4 (7) To provide for such services and make such expenditures as the
5 governing authority deems proper for the upkeep of the district.

6 (8) To acquire or lease items and supplies which the governing authority
7 deems instrumental to achieving the purposes of the district.

8 (9) To acquire, lease, insure, and sell immovable property within the
9 boundaries of the district in accordance with district plans.

10 (10) To perform or have performed any other function or activity
11 necessary or appropriate to carry out the purposes of the district or for the
12 overall betterment of the district.

13 F. Parcel Fee. The governing authority of Jefferson Parish is hereby
14 authorized to impose and collect a parcel fee within the district subject to and
15 in accordance with the provisions of this Subsection.

16 (1) The amount of the fee shall be based upon recommendations by a
17 duly adopted resolution of the advisory board. The fee shall be a flat fee per
18 improved parcel of land not to exceed one hundred dollars per year for each
19 improved parcel for calendar year 2010; however, the maximum may be
20 increased by twenty-five dollars per year for each calendar year after 2010.

21 (2) The fee shall be imposed on each improved parcel located within the
22 district except as provided in Paragraph (4) of this Subsection.

23 (a) For purposes of this Section, "parcel" means a lot, a subdivided
24 portion of ground, an individual tract, or a "condominium parcel" as defined
25 in R.S. 9:1121.103.

26 (b) The owner of each parcel shall be responsible for payment of the fee.

27 (3)(a) The fee shall be imposed only after the question of its imposition
28 has been approved by a majority of the registered voters of the district who vote
29 on the proposition at an election held for that purpose in accordance with the

1 Louisiana Election Code. The amount of the fee may be changed by a duly
2 adopted resolution of the advisory board, not to exceed the maximum amount
3 authorized as provided in this Subsection. No other election shall be required
4 except as provided by this Paragraph.

5 (b) The initial election on the question of the imposition of the fee shall
6 be held at the same time as a regularly scheduled election in Jefferson Parish.

7 (c) If approved, the fee shall expire on December 31, 2014, but the fee
8 may be renewed if approved by a majority of the registered voters of the district
9 voting on the proposition at an election as provided in Subparagraph (a) of this
10 Paragraph. Any election to authorize the renewal of the fee shall be held at the
11 same time as a regularly scheduled election in Jefferson Parish. If the fee is
12 renewed, the term of the imposition of the fee shall be as provided in the
13 proposition authorizing such renewal, not to exceed eight years.

14 (4) No fee shall be imposed upon any parcel whose owner qualified for
15 the special assessment level provided by Article VII, Section 18(G)(1) of the
16 Constitution of Louisiana.

17 (5) The fee shall be collected at the same time and in the same manner
18 as ad valorem taxes on property subject to taxation by the parish are collected.

19 (6) Any parcel fee which is unpaid shall be added to the tax rolls of the
20 parish and shall be enforced with the same authority and subject to the same
21 penalties and procedures as unpaid ad valorem taxes.

22 (7)(a) The proceeds of the fee shall be used solely and exclusively for the
23 purpose and benefit of the district; however, the parish may retain one percent
24 of the amount collected as a collection fee.

25 (b) The governing authority of Jefferson Parish shall remit to the district
26 all amounts collected not more than sixty days after collection.

27 G. Additional Contributions. The district is authorized to solicit and
28 accept additional voluntary contributions and grants to further the purposes of
29 the district.

1 **H. Budget. (1) The district, through its governing authority, shall adopt**
2 **an annual budget in accordance with the Louisiana Local Government Budget**
3 **Act, R.S. 39:1301 et seq.**

4 **(2) The district shall be subject to audit by the legislative auditor**
5 **pursuant to R.S. 24:513.**

6 **I. Miscellaneous. It is the purpose and intent of this Section that any**
7 **additional security patrols, public or private, or any other security or other**
8 **services or betterments provided by the district shall be supplemental to and not**
9 **be in lieu of personnel and services to be provided in the district by the state or**
10 **the governing authority of Jefferson Parish or their departments or agencies or**
11 **by other political subdivisions.**

12 **J. Dissolution. (1) The district may be dissolved without the vote of the**
13 **registered voters of the district if a majority of the area covered by the district**
14 **becomes included in another district that serves similar purposes but includes**
15 **additional parcels of property adjacent to the district, if approved by the**
16 **affirmative vote of not less than five members of the governing authority. If the**
17 **district is dissolved in accordance with this Paragraph, the funds of the district**
18 **that relate to the portion of the district that is included in the new district,**
19 **together with any other funds collected by the governing authority of Jefferson**
20 **Parish pursuant to this Section that relate to such portion of the district, shall**
21 **be transferred to the new district to be used for purposes of the new district.**
22 **The remaining portion of funds, if any, shall be transmitted to the governing**
23 **authority of Jefferson Parish and such funds shall be used only for law**
24 **enforcement, security, improvement, and beautification purposes of the area**
25 **that was formerly within the district but is not included in the new district.**

26 **(2) If the district is dissolved pursuant to Paragraph (1) of this**
27 **Subsection, the authority for the imposition of the parcel fee provided in**
28 **Subsection F of this Section shall cease.**

29 **K. Indemnification and Exculpation. (1) The district shall indemnify its**

officers, advisory board members, and governing authority to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

(2) No advisory board member, member of the governing authority, or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as an advisory board member, member of the governing authority, or officer, provided that the foregoing provision shall not eliminate or limit the liability of an advisory board member, member of the governing authority, or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as an advisory board member, member of the governing authority, or officer shall not be individually liable for any act or omission arising out of the performance of his duties.

Section 2. This Act shall become effective on July 1, 2010.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Alario (SB 247)

Proposed law provides for the creation of the Esprit at Stonebridge Neighborhood Improvement District.

Proposed law provides that the district is established for the purpose of promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the district.

Proposed law provides that the district shall be governed by the Jefferson Parish Council as per their home rule charter. Also, provides for a six-member advisory board, which shall be appointed by the governing authority from nomination received from the board of directors of the Esprit at Stonebridge Homeowners Association. Provides that none of the appointees to the advisory board shall be members of the Esprit at Stonebridge Homeowners Association board of directors.

Proposed law provides that the commission shall adopt such rules, regulations, and bylaws as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the commission relative to the notice and conduct of meetings shall conform to applicable law, relative to open meetings. The commission shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

Proposed law provides that district, through its governing authority shall have the following powers and duties:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds.
- (4) To enter into contracts with individuals or entities, private or public.
- (5) To provide or enhance security patrols in the district, to provide for improved lighting, signage, or matters relating to the security of the district, to provide for the beautification of and improvements for the district, or to provide generally for the overall betterment of the district.
- (6) To enter into contracts and agreements with one or more other districts for the joint security, improvement, or betterment of all participating districts.
- (7) To provide for such services and make such expenditures as the governing authority deems proper for the upkeep of the district.
- (8) To acquire or lease items and supplies which the governing authority deems instrumental to achieving the purposes of the district.
- (9) To acquire, lease, insure, and sell immovable property within the boundaries of the district in accordance with district plans.
- (10) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

Proposed law provides that the governing authority of Jefferson Parish is authorized to impose and collect a parcel fee within the district.

Proposed law provides that the amount of the fee shall be based upon recommendations by a duly adopted resolution of the advisory board. The fee shall be a flat fee per improved parcel of land not to exceed \$100 per year for each improved parcel for calendar year 2010; however, the maximum may be increased by \$25 per year for each calendar year after 2010.

Proposed law provides that the owner of each parcel shall be responsible for payment of the fee. The fee shall be imposed only after the question of its imposition has been approved by a majority of the registered voters of the district who vote on the proposition at an election held for that purpose. The amount of the fee may be changed by duly adopted resolution of the commission, not to exceed the maximum amount authorized.

Proposed law provides that the initial election on the question of the imposition of the parcel fee shall be held at the same time as a regularly scheduled election in the parish of Jefferson. If approved, the fee shall expire on December 31, 2014, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election. Any election to authorize the renewal of the fee shall be held at the same time as

a regularly scheduled election in the parish of Jefferson. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Proposed law provides that no parcel fee shall be imposed upon any parcel whose owner qualified for the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.

Proposed law provides that the parcel fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the parish are collected. Any parcel fee which is unpaid shall be added to the tax rolls of the parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes. The proceeds of the fee shall be used solely and exclusively for the purpose and benefit of the district; however, the parish may retain one percent of the amount collected as a collection fee.

Proposed law provides that the commission shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act.

Proposed law provides that the district shall be subject to audit by the legislative auditor.

Proposed law provides that it is the purpose and intent of this Section that any additional security or other services or betterments provided by the district shall be supplemental to the services to be provided in the district by the governing authority of Jefferson Parish.

Proposed law provides that the district may be dissolved without the vote of the registered voters of the district if a majority of the area covered by the district becomes included in another district that serves similar purposes but includes additional parcels of property adjacent to the district, if approved by the affirmative vote of not less than five members of the commission. If the district is dissolved, the funds of the district that relate to the portion of the district that is included in the new district, together with any other funds collected by the governing authority of Jefferson Parish that relate to such portion of the district, shall be transferred to the new district to be used for purposes of the new district. The remaining portion of funds, if any, shall be transmitted by the commission to the governing authority of Jefferson Parish and such funds shall be used only for law enforcement, security, improvement, and beautification purposes of the area that was formerly within the district but is not included in the new district.

Proposed law provides that the district shall indemnify its officers, advisory board members, and governing authority to the fullest extent permitted, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

Proposed law provides that no advisory board members, member of the governing authority, or officer of the district shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages for breach of his duties as an advisory board member, member of the governing authority, or officer, subject to certain exceptions for intentional acts or personal gain.

Effective July 1, 2010.

(Adds R.S. 33:9080.4)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Local and Municipal Affairs to the original bill.

1. Changes governing authority from a 6-member board of commissioners to the Jefferson Parish Council.
2. Adds an advisory board to advise and make recommendations to the governing authority.
3. Makes technical corrections.

Senate Floor Amendments to engrossed bill.

1. Makes technical corrections to boundary language.